

Report on the

Elevator Safety Review Board

Montgomery, Alabama



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September 8, 2004

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Elevator Safety Review Board** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Elevator Safety Review Board** in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority

The Alabama Elevator Safety Review Board was established effective September 1, 2003 by *Acts of Alabama*, Act 2003-349, to ensure the safe construction and operation of elevators in public access buildings within the state. The board was created to be administered within the Alabama Department of Labor to regulate the construction, installation, inspection, maintenance, and repair of elevators. Statutes provide for regulation of the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, platform lifts, stairway chairlifts, escalators, moving walks, dumbwaiters, and automated people movers accessible by the general public. Act 2003-349 providing the statutory authority for the creation and operation of the board is codified as the *Code of Alabama 1975*, Sections 25-13-1 through 25-13-25.

The board has not yet completed its first year of existence and is in the process of becoming operational.

Board Characteristics

Members	10
Term	3 years (no staggering of terms, no limit on consecutive terms)
Selection	1 – Dept. of Labor Elevator Bureau Chief – ex officio 9 - Appointed by the Governor.
Qualifications	Of the nine members appointed by the Governor one each must be, <ul style="list-style-type: none">• A representative from a major elevator manufacturing company• A representative from an elevator servicing company• A representative of the architectural design profession• A representative of the general public• A representative of an Alabama municipality• A building owner or manager (No specific requirement that the building have an elevator)• Physically handicapped• A licensed professional engineer• A representative of labor involved in the installation, maintenance, and repair of elevators.

Racial Representation	No statutory requirement. 1 black member.
Consumer Representation	The <i>Code of Alabama 1975</i> , Section 25-13-5 provides for one representative from the general public
Geographic Representation	No specific statutory requirement.
Other Representation	The <i>Code of Alabama 1975</i> , Section 25-13-5(a) requires the membership of the board to reflect the racial, gender, geographic, urban/rural and economic diversity of the state.
Compensation	The <i>Code of Alabama 1975</i> , Section 25-13-5(b) states that members shall serve without salary, but shall receive from the state expenses necessarily incurred by them in performance of their duties.

Operations

Administrator	Jim Bennett, Commissioner Department of Labor
Location	100 North Union Street, Suite 620 Montgomery, AL 36130
Examinations	None have yet been developed. The <i>Code of Alabama 1975</i> , Section 25-13-8 (a)(1) provides for examinations as a part of determining the qualifications and abilities of persons applying for an elevator mechanic license. There are no provisions for examination of persons applying for licenses as contractors and inspectors.
Licensees	As of July 15, 2004 Contractors - 9 Mechanics - 98 Inspectors – 16 Inspection Agencies - 6
Renewals	Section 25-13-12(a) states the administrator may issue a license which shall be renewable <u>biannually</u> . Administrative rules provide for <u>annual</u> renewals for elevator contractors and inspectors and <u>bi-annual</u> renewals for elevator mechanics.

Reciprocity	Yes, <i>Code of Alabama 1975</i> , Section 25-13-11 provides comity for holders of a valid license from another state having substantially equal standards
Continuing Education	8 hours to be completed within one year preceding license renewal with a conditional 90 day waiver available in the event a licensee is unable to complete 8 hours prior to renewal due to a temporary disability
Employees	1 Chief Inspector
Legal Counsel	The Attorney General's Office –Andrew H. Smith
Subpoena Power	None
Internet Presence	http://www.alalabor.state.al.us/elevator.htm The board's webpage is a part of the Department of Labor website. It provides links to the enabling legislation, proposed rules, a listing of board members, and a listing of frequently asked questions and responses.
Attended Board Member Training	None – The board did not exist at time of last training.

Financial Information

Source of Funds	Inspection fees and fines, as provided by the board's enabling statutes.
State Treasury	Yes
Unused Funds	All fees are required by law to be deposited in the state's General Fund to the credit of the Department of Labor. There is no provision in the law for the board to retain funds.

SIGNIFICANT ITEMS

1. **The board's operations are still under development.** The legislative act creating the board was effective September 1, 2003. Jim Bennett, Commissioner of Labor, who is named in the act as administrator for the board, has taken steps to commence the board's operations. Board members have been appointed, meetings have been held, and administrative rules for the board have been proposed and adopted.
2. **Board statutes do not clearly define board membership.** The *Code of Alabama 1975*, Section 25-13-5(a) provides that the "board shall consist of 10 members, one of whom shall be the **Elevator Bureau Chief or his delegate**. The Governor shall appoint the remaining nine members as follows:..." The board's enabling statutes do not identify an Elevator Bureau Chief nor indicate the method of his appointment to the board. There is no position at the Department of Labor entitled 'Elevator Bureau Chief'.

Section 25-13-5(b) in discussing board member term limits states that members shall serve terms for three years except for the **administrator** who shall serve continuously. Board positions are named in Section 25-13-5(a), and there is no position with the title 'administrator' named for the board; however, the board's enabling statutes in Section 25-13-2(a)(1) defines the administrator as the State Commissioner of Labor Department or his designee. The commissioner is currently serving as a board member.

3. **Board member terms are not staggered to prevent simultaneous turnover of board members**

There is no provision in the statutes for the board member terms to be staggered. The staggering of board member terms is normally incorporated in the statutes when regulatory boards are created to prevent the board from being without experienced members.

4. **Board fees are not deposited into the General Fund, as required by law.** The *Code of Alabama 1975*, Section 25-13-6 (d) states, "All fees collected by the administrator pursuant to this chapter shall be remitted to the State General Fund to the credit of the Department of Labor". This was not done. Funds received by the board are being deposited into a separate Department of Labor fund consisting of federal and local funds rather than into the General Fund. Appropriations of board funds were made from the separate fund to the Department of Labor. This condition also exists with respect to the Boiler and Pressure Vessel Board, also administered by the Department of Labor.

For example, Act 2004-562 (general appropriation act) makes the following appropriations for the 2004-2005 fiscal year.

- The Department of Labor is appropriated \$314,658 from the General Fund
- The Department of Labor is also appropriated \$1,090,748.00 from earmarked funds (the special fund).
- The named sources of the earmarked funds are \$90,748 from federal and local funds, with the remaining \$1,000,000 from fees received from

operations of the Elevator Safety Review Board and the Boiler and Pressure Vessel Board.

The budget request presented by the board shows that the board properly requested the \$1,000,000 from the General Fund for operations for the two boards, but the appropriation act made the \$1,000,000 appropriation from the Labor Department's special fund, and no operating funds for the boards were appropriated from the General Fund. Consequently, if the funds received from operations of these two boards are deposited into the General Fund as required by statute, the board could not pay for operations for two reasons:

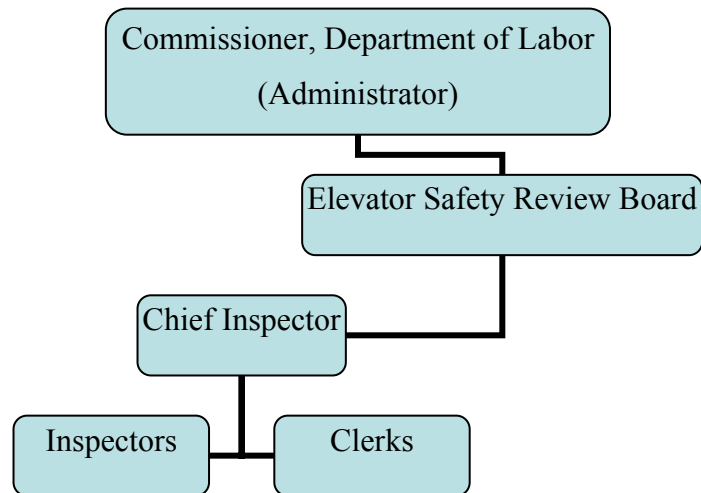
- There would be no money in the special fund to pay for board operations, even though there is an appropriation from the fund for that purpose.
- Since there is no appropriation from the General Fund, the board could not pay for board operations from the General Fund.

5. **Board rule 490-2-3-.04(1) is in conflict with the law.** The rule provides that a license issued by the board shall be valid for two years for mechanics and one year for contractors and inspectors. Section 25-13-12(a) provides that that licenses "shall be renewable biannually"

STATUS OF PRIOR FINDINGS

There have been no prior examinations.

ORGANIZATION



PERSONNEL

(Department of Labor employees dedicated to board operations)

Classification	Number of Employees	Race	Gender
Chief Inspector	1	White	Male
Inspector	0 (4 authorized by Personnel Department)	N/A	N/A
Clerk	0 (1 authorized by Personnel Department)	N/A	N/A

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee - 129

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)	Number of Licensees	Persons per Licensee
Alabama	4,486,508	129	34,780
Florida	16,713,149	**400,337	42
Georgia	8,560,310	115	74,438
Mississippi	2,871,782	*0	N/A
Tennessee	5,797,289	*0	N/A

* - No license requirements

** - Appears to be a total of licenses issued rather than current licensees.

Notification to Licensees of Board Decisions to Amend Administrative Rules – The board’s rules were promulgated in accordance with the state’s Administrative Procedure Act. The board has yet to amend its administrative rules.

Complaint Handling – This process is yet to be determined.

FINANCIAL INFORMATION

By law, all fees collected by the board must be deposited into the state’s General Fund: however, the board is currently depositing fees into a separate fund administered by the Department of Labor.

Board activities are funded by operating fees appropriated to the Department of Labor.

The board has not completed a fiscal year of operations. Consequently, an annual financial schedule is not presented.

Schedule of Fees

LICENSE/RENEWAL	<i>Code of Alabama 1975</i>	<i>ESRB Administrative Rule</i>	AMOUNT
Contractor License	25-13-6(d)	490-2-3-.03(1)(a)	350.00
Contractor Renewal	25-13-6(d)	490-2-3-.03(1)(b)	100.00
Contractor Examination	25-13-6(d)	490-2-3-.03(1)(c)	150.00
Mechanics License & Renewal	25-13-6(d)	490-2-3-.03(1)(d)	100.00
Inspectors License & Renewal	25-13-6(d)	490-2-3-.03(1)(e)	100.00

INSTALLATION PERMITS * (Per Unit)	<i>Code of Alabama 1975</i>	<i>ESRB Administrative Rule</i>	AMOUNT
Elevator	25-13-16(b)	490-2-3-.03(1)(f)	400.00
Plus, for each opening			15.00
Dumbwaiter and material lift			250.00
Escalator	25-13-16(b)	490-2-3-.03(1)(g)	250.00
Private residence incline lifts & elevators	25-13-16(b)	490-2-3-.03(1)(g)	250.00
Special purpose personnel elevators and wheelchair lifts	25-13-16(b)	490-2-3-.03(1)(g)	250.00

* Two acceptance inspections and the operating permit fees are included. Additional inspections are \$260.00

MAJOR ALTERATION PERMITS * (Per Unit)	<i>Code of Alabama 1975</i>	<i>ESRB Administrative Rule</i>	AMOUNT**
Each alteration – one item as outlined in sections 1200 and 1201 of the Standard	25-13-16(b)	490-2-3-.03(3)(a)	250.00
Each additional alteration	25-13-16(b)	490-2-3-.03(3)(b)	250.00

* Two acceptance inspections and the operating permit fees are included. Additional inspections are \$250.00

** Subject to a maximum of \$500.00 per unit.

OPERATING PERMITS	<i>Code of Alabama 1975</i>	<i>ESRB Administrative Rule</i>	AMOUNT
One-year	25-13-16(b)	490-2-3-.03(4)(a)	100.00
Temporary	25-13-16(b)	490-2-3-.03(4)(b)	260.00

Inspections (Per Unit)	<i>Code of Alabama 1975</i>	<i>ESRB Administrative Rule</i>	AMOUNT*
Inspections by a Certified Inspector employed by the Department	25-13-16(b)	490-2-3-.03(5)	250.00

*Routine inspections of equipment and operating certificates are to be invoiced annually

APPENDICES

Enabling Statutes

CHAPTER 13. ELEVATOR SAFETY.

HISTORY

Effective date:

The act which added this chapter is effective September 1, 2003.

§ 25-13-1. Purpose. [AL ST SEC 25-13-1]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by this chapter shall by documented training or experience, or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of this chapter. This chapter shall establish the minimum standards for elevator personnel.

(b) The provisions of this chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by this chapter, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

(c) The design or modification of equipment covered by this chapter shall be prepared by or under the direct control and personal supervision of a licensed professional engineer.
(Act 2003-349, § 1.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-2. Definitions. [AL ST SEC 25-13-2]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) As used in this chapter, the following terms shall have the following meanings:

(1) Administrator. The State Commissioner of the Department of Labor or his or her designee.

(2) ASCE 21. American Society of Civil Engineers Automated People Mover Standards.

(3) ASME A17.1. The Safety Code for Elevators and Escalators, an American National Standard.

(4) ASME A17.3. The Safety Code for Existing Elevators and Escalators, an American National Standard.

(5) ASME A18.1. The Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

(6) Automated people mover. An installation as defined as an "automated people mover" in ASCE 21.

(7) Board. The Elevator Safety Review Board.

(8) Certificate of operation. A document issued by the administrator that indicates that the conveyance has had the required safety inspection and tests, and fees have been paid as set forth in this chapter.

(9) Certificate of operation; temporary. A document issued by the administrator which permits the temporary use of a non-complaint conveyance by the general public for a limited time while minor repairs are being completed.

(10) Conveyance. Any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts, and automated people movers.

(11) Dormant elevator, dumbwaiter, or escalator. An installation placed out of service as specified in ASME A17.1 and ASME A18.1.

(12) Elevator. An installation as defined as an "elevator" in ASME A17. 1.

(13) Elevator contractor. Any sole proprietor, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 25-13-7 and 25-13-8 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this chapter.

(14) Elevator helper/apprentice. Any person who works under the general direction of a licensed elevator mechanic. A license is not required.

(15) Elevator inspector. Any person, as defined in ASME QEI as an inspector, who possesses an elevator inspector's license in accordance with the provisions of this chapter.

(16) Elevator mechanic. Any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 25-13-7 and 25-13-8 and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances covered by this chapter.

(17) Escalator. An installation as defined as an "escalator" in ASME A17.1.

(18) Existing installation. An installation as defined as an "installation, existing" in

ASME A17.1

(19) License. A written license, duly issued by the administrator, authorizing a sole proprietor, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining or performing inspections of elevators or related conveyances covered by this chapter.

(20) License, elevator contractor's. A license which is issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyances covered by this chapter.

(21) License, elevator mechanic. A license which is issued to a person who has proven his or her qualifications and ability and has been authorized by the board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyances covered by this chapter.

(22) License, inspector. A license which is issued to an ASME QEI certified elevator inspector who has proven his or her qualifications and ability and has been authorized by the board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyances covered by this chapter.

(23) License, limited elevator contractor's. A license which is issued by the administrator, authorizing a sole proprietor, firm, or company who employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, including, but not limited to, private residences.

(24) Licensee. An elevator mechanic, elevator contractor, or elevator inspector.

(25) Material alteration. An "alteration" as defined in the referenced standards.

(26) Moving walk or sidewalk. An installation as defined as a "moving walk" in ASME A17.1.

(27) Private residence. A separate dwelling or a separate apartment in a multiple dwelling which is occupied by members of a single-family unit.

(28) Repair. A "repair" as defined in the referenced standards and which does not require a permit.

(29) Temporally dormant elevator, dumbwaiter, or escalator. An installation whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal shall be installed on the mainline disconnect switch by a licensed elevator inspector. This installation shall not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporally dormant status by a licensed elevator inspector. "Temporally dormant" status shall be renewable on an annual basis and shall not exceed a five-year period. The elevator inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock shall not be removed for any purpose without permission from the elevator inspector.

(b) All other building transportation terms are as defined in the latest edition of ASME A17.1 and ASME A18.1.

(Act 2003-349, § 2.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Code Commissioner's Notes

§ 25-13-3. Applicability. [AL ST SEC 25-13-3]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) Unless otherwise provided herein, this chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways:

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings. This equipment includes, but is not limited to, the following:

- a. Elevators.
- b. Platform lifts and stairway chairlifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following:

- a. Escalators.
- b. Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following:

- a. Dumbwaiters.
- b. Material lifts and dumbwaiters with automatic transfer devices.

(b) This chapter covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way including, but not limited to, automated people movers.

(c) Equipment not covered by this chapter includes, but is not limited to, any of the following:

- (1) Personnel hoists within the scope of ANSI A10.4.
- (2) Material hoists within the scope of ANSI A10.5.
- (3) Manlifts within the scope of ASME A90.1.
- (4) Mobile scaffolds, towers, and platforms within the scope of ANSI A92.
- (5) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1.
- (6) Conveyors and related equipment within the scope of ASME B20.1.
- (7) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.
- (8) Industrial trucks within the scope of ASME B56.
- (9) Portable equipment, except for portable escalators which are covered by ANSI A17.1.
- (10) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.
- (11) Equipment for feeding or positioning materials at machine tools, printing presses,

etc.

(12) Skip or furnace hoists.

(13) Wharf ramps.

(14) Railroad car lifts or dumpers.

(15) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(16) Equipment otherwise covered under this chapter which is located at an industrial facility that is not accessible by the general public and which is used in the construction, operation, or maintenance of the facility.

(d) This chapter shall not apply to any entity engaged in the generation, transmission, or distribution of electric energy or any employee, agent, or contractor thereof when performing work for the utility or other entity described herein.

(e) The providers required to be licensed under Section 34-14C-4, shall be exempt from this chapter.

(Act 2003-349, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-4. License required. [AL ST SEC 25-13-4]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) No person shall erect, construct, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this state unless an elevator mechanic license has been issued, as described herein, and the person is working under the direct supervision of a sole proprietor, firm, or corporation who is a licensed elevator contractor pursuant to this chapter. No person shall wire any conveyance, from the mainline feeder terminals on the controller, in the jurisdiction of this state, unless an elevator mechanic license has been issued as described herein and the person is working under the direct supervision of a sole proprietor, firm, or corporation who is a licensed elevator contractor pursuant to this chapter. No other license shall be required for this work. A licensed elevator contractor is not required for removing or dismantling conveyances which are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

(b) No person shall inspect any conveyance within buildings or structures, including, but not limited to, private residences, unless an inspector's license has been issued as described herein.
(Act 2003-349, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-5. Elevator Safety Review Board -- Created; composition. [AL ST SEC 25-13-5]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) There is hereby created the Elevator Safety Review Board, herein referred to as the "board," consisting of 10 members, one of whom shall be the Elevator Bureau Chief or his or her delegate. The Governor shall appoint the remaining nine members of the board as follows: One representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative of the architectural design profession; one representative of the general public; one representative of a municipality in this state; one representative of a building owner or manager; one representative who is physically handicapped; one licensed professional engineer; and one representative of labor involved in the installation, maintenance, and repair of elevators. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(b) The members constituting the board shall serve for terms of three years, excluding the administrator who shall serve continuously. The board members shall serve without salary, but shall receive from the state expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chair, and the chair shall be the deciding vote in the event of a tie vote.

(Act 2003-349, § 5.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-6. Elevator Safety Review Board -- Powers and duties. [AL ST SEC 25-13-6]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) The board shall be authorized to consult with engineering authorities and organizations concerned with standard safety codes, rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of elevators, dumbwaiters, escalators, and the qualifications which are adequate, reasonable, and necessary for an elevator mechanic, contractor, and inspector. Therefore, the board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(b) The board shall establish regulations for the equipment regulated by this chapter. The

regulations shall include the Safety Code for Elevators and Escalators, ASME A17.1; the Safety Code for Existing Elevators and Escalators, ASME A17.3; the Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; Standard for the Qualification of Elevator Inspectors, ASME QEI-1; and Automated People Mover Standards, ASCE 21. The board shall adopt the latest editions of the standards within six months of their effective date. Any modifications to the standards that the administrator deems necessary shall be justified in writing by the board.

(c) The board shall also have the authority to grant exceptions and variances from the literal requirements of applicable code and standards, regulations, and/or local legislation, in cases where such variances would not jeopardize the public safety and welfare. The board shall have the authority to hear appeals, hold hearings, and decide upon such appeal within 30 days of the appeal.

(d) The board shall establish fee schedules for licenses, permits, certificates, and inspections. The fees shall reflect the actual costs and expenses to conduct the duties as described in this chapter. All fees collected by the administrator pursuant to this chapter shall be remitted to the State General Fund to the credit of the Department of Labor.

(e) The board shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2005, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law. (Act 2003-349, § 6.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Code Commissioner's Notes

In 2003, the Code Commissioner in the first sentence of subsection (a) before "elevator mechanic" inserted "an" for "the" for grammatical purposes.

§ 25-13-7. Application for license. [AL ST SEC 25-13-7]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) *Elevator Contractor.* Any sole proprietor, firm, or corporation wishing to engage in the business of elevator, dumbwaiter, escalator, moving sidewalk, or other conveyance installation, alteration, service, replacement, or maintenance within this jurisdiction shall make application for a license with the administrator on a form provided by the administrator.

(b) *Elevator Mechanic.* Any person wishing to engage in installing, altering, repairing, or servicing an elevator, dumbwaiter, escalator, moving sidewalk installation, alteration, service, replacement, or maintenance within the jurisdiction of this state shall make application for a license with the administrator on a form provided by the administrator.

(c) *Inspector.* Any person wishing to engage in the business of elevator, dumbwaiter, escalator, moving walk, or platform or stairway chairlift inspections within the jurisdiction of this state, upon proof of ASME QEI certification, shall make application for a license with the

administrator on a form to be provided by the administrator.

(d) The application for licenses shall contain information for the following provisions:

(1) If a person or sole proprietor, the name, residence address, and business address of the applicant.

(2) If a partnership, the name and residence and business addresses of each partner.

(3) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation. If a corporation other than a domestic corporation, the name and address of a local agent who shall be authorized to accept service of process and official notices.

(4) The number of years the applicant has engaged in the business of installing, inspecting, and maintaining or servicing elevators or platform lifts.

(5) The approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance.

(6) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance.

(7) Criminal record of convictions, if any, as verified by the Department of Public Safety.

(8) Other information as the administrator may require.

(Act 2003-349, § 7.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-8. Qualifications for mechanic license; issuance without examination. [AL ST SEC 25-13-8]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for a mechanic license must demonstrate the following qualifications:

(1) An acceptable combination of documented experience and education credits and not less than three years work experience in the elevator industry in construction, maintenance, and service and repair, as verified by current and previous employers licensed to do business in this state. Satisfactory completion of a written examination administered by the board on the most recent referenced codes and standards.

(2) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a state apprenticeship council.

(b) Any person who furnishes the administrator with acceptable proof that he or she has

worked as an elevator constructor or maintenance or repair person shall upon making application for a license and paying the license fee be entitled to receive a license without an examination. The person shall have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment shall be not less than three years immediately prior to September 1, 2003. The person must make application within one year of September 1, 2003.

(c) A license shall be issued to an individual holding a valid license from a state having standards substantially equal to those of this chapter upon application and without examination. (Act 2003-349, § 8.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-9. Qualifications for inspector's license. [AL ST SEC 25-13-9]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

No inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the administrator or other officer designated by the board that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors. (Act 2003-349, § 9.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-10. Requirements for contractor's license. [AL ST SEC 25-13-10]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

No license shall be granted to any sole proprietor, firm, or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanics who perform the work described herein and have proof of compliance with the insurance requirements as set forth in this chapter. (Act 2003-349, § 10.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-12. Issuance of license; fees; emergency and temporary elevator mechanic licenses; renewal; continuing education. [AL ST SEC 25-13-12]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) Upon approval of an application, the administrator may issue a license which shall be renewable biannually. The fee for such license and for any renewal thereafter shall be set by the board.

(b) Whenever an emergency exists in the state due to disaster, act of God, or work stoppage and the number of persons in the state holding licenses granted by the administrator is insufficient to cope with the emergency, the licensed elevator contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the administrator within five business days after commencing work requiring a license. The administrator shall issue emergency elevator mechanic licenses. The licensed elevator contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of 30 days from the date of issuance for particular elevators or geographical areas as the administrator may designate and shall entitle the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. The administrator shall renew an emergency elevator mechanic license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic license or renewal thereof.

(c) A licensed elevator contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the administrator issue temporary elevator mechanic licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic license from the administrator and shall pay such fee as the board shall determine. Each such license shall recite that it is valid for 30 days from the date of issuance and while the person is employed by the licensed elevator contractor who certified the individual as qualified. The license shall be renewable as long as the shortage of license holders shall continue.

(d) (1) The renewal of all licenses granted under this section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the regulations of the board. The course shall consist of not less than eight hours of instruction and shall be attended and

completed within one year immediately preceding any such license renewal.

(2) The course shall be taught by instructors through continuing education providers and may include, but not be limited to, association seminars and labor training programs. The board shall approve the continuing education providers. All instructors shall be approved by the board and exempt from the requirements of the preceding paragraph with regard to application for license renewal provided that the applicant was qualified as an instructor at any time during the year immediately preceding the scheduled date for such renewal.

(3) A licensee who is unable to complete the continuing education course required under this section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the board. This shall be on a form provided by the board which shall be signed under the penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee shall submit to the board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. At that time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(4) Approved training providers shall keep uniform records, for a period of 10 years, of attendance of licensees following a format approved by the board, and the records shall be available for inspection by the board. Approved training providers shall be responsible for the security of all attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

(Act 2003-349, § 12.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-13. Suspension, revocation, etc., of license. [AL ST SEC 25-13-13]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) A license issued pursuant to this chapter may be suspended, revoked, or subject to civil penalty by the administrator upon verification that any one or more of the following reasons exist:

- (1) Any false statement as to material matter in the application.
- (2) Fraud, misrepresentation, or bribery in securing a license.
- (3) Failure to notify the administrator and the owner or lessee of an elevator or related mechanism of any condition not in compliance with this chapter.
- (4) Violation of any provisions of this chapter.

(b) No license shall be suspended, revoked, or subject to civil penalty until after a hearing before the administrator upon notice to the licensee of at least 10 days at the last known address

appearing on the license, served personally or by registered mail. The notice shall state the date, hour, and place of hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. The administrator may suspend or revoke the license or dismiss the proceeding.

(c) Any person, sole proprietor, firm, or corporation whose license is revoked, suspended, or subject to civil penalty may appeal from such determination to the board, which shall, within 30 days thereafter, hold a hearing, of which at least 15 days' written notice shall be given to all interested parties. The board shall, within 30 days after such hearing, issue a decision.
(Act 2003-349, § 13.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-14. Registration of conveyances. [AL ST SEC 25-13-14]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

Within six months after the date of the appointment of the board, the owner or lessee of every existing conveyance shall register with the board and the administrator each such elevator, dumbwaiter, platform lift, and escalator, or device described in Section 25-13-1 owned and operated by the owner or lessee, giving the type, rated load and speed, name of manufacturer, its location and the purpose for which it is used, and such additional information as the administrator may require. Elevators, dumbwaiters, platform lifts, escalators, and moving walks, or other conveyances on which construction has begun subsequent to the date of the creation of the board shall be registered at the time they are completed and placed in service.
(Act 2003-349, § 14.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-16. Conveyance permit required. [AL ST SEC 25-13-16]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) No conveyance covered by this chapter shall be erected, constructed, installed, or altered within buildings or structures within this jurisdiction unless a permit has been obtained from the administrator before the work is commenced. Where any material alteration, as defined herein,

is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, or ASCE 21 for the alteration. No permit required hereunder shall be issued except to a sole proprietor, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this chapter. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed, relocated, or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) The applicable fees shall accompany each permit application.
(Act 2003-349, § 16.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-17. Revocation of permit; extension of time. [AL ST SEC 25-13-17]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) Permits may be revoked for the following reasons:

(1) Where any false statements or misrepresentations were made as to the material facts in the application, plans, or specifications on which the permit was based.

(2) Where the permit was issued in error and should not have been issued in accordance with this chapter.

(3) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with this chapter or conditions of the permit.

(4) Where the elevator contractor to whom the permit was issued fails or refuses to comply with a STOP WORK order.

(5) If the work authorized by the permit is not commenced within six months after the date of issuance or within a shorter period of time as the administrator, or his or her authorized representative in his or her discretion, may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for 60 days, or shorter time as the administrator may specify at the time the permit is issued, after the work has been started.

(b) The administrator may allow an extension of time at his or her discretion.

(Act 2003-349, §§ 17, 18.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

Code Commissioner's Notes

In 2003, the Code Commissioner merged Sections 17 and 18 of Act 2003-349 into Sections 25-13-17; included subdivisions (5) and (6) as reasons for revocation under subsection (a); and designated the last sentence as subsection (b). These changes were made to correct an apparent typographical or clerical error, to achieve apparent intent, and to conform to appropriate code hierarchy.

§ 25-13-18. Installation by licensee; certification of compliance; certificate of operation; inspection. [AL ST SEC 25-13-18]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) All new conveyance installations shall be performed by a sole proprietor, firm, or corporation to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed sole proprietor, firm, or corporation must certify compliance with the applicable sections of this chapter. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the administrator. A fee as set forth in this chapter shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first-time registrations for new installations. The certificate of operation fee for newly installed platform lifts and stairway chairlifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

(b) The certificate of operation fee for all new and existing stairway chairlifts for private residences and any renewal fees shall be waived. The administrator, or his or her designee, shall inspect, in accordance with the requirements set forth in this chapter, all newly installed and existing platform lifts and stairway chairlifts for private residences subsequent to an inspection by a person, firm, or corporation to which a license to inspect conveyances has been issued. The administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including, but not limited to, having the owner contact the administrator in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall only be done at the request and consent of the private residence owner. All penalty provisions of this chapter shall not apply to private residence owners.

(c) A certificate of operation is renewable annually except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of three years. Certificates of operation must be clearly displayed on or in each conveyance.
(Act 2003-349, § 19.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-19. Insurance policies. [AL ST SEC 25-13-19]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

(a) Elevator contractors shall submit to the administrator an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

(b) Elevator inspectors, not employed by the authority having jurisdiction, shall submit to the administrator an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars (\$1,000,000) for injury or death of any number of persons in any one occurrence and with coverage of at least five hundred thousand dollars (\$500,000) for property damage in any one occurrence and the statutory workers' compensation insurance coverage.

(c) The policies, or duly certified copies thereof, or an appropriate certificate of insurance approved as to form by the administrator shall be delivered to the administrator before or at the time of the issuance of a license. In the event of any material alteration or cancellation of any policy, at least 10 days' notice shall be given to the administrator.
(Act 2003-349, § 20.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-21. Liability under chapter. [AL ST SEC 25-13-21]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanism covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefor or any liability to any person for whatever reason whatsoever by the enactment of this chapter or any acts or omissions arising hereunder.

(Act 2003-349, § 22.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective September 1, 2003.

§ 25-13-24. Annual inspections required. [AL ST SEC 25-13-24]

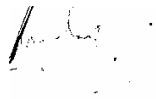
Current through End of 2003 Organizational, Regular and 1st Special Session.

(a) It shall be the responsibility of the owners of all new and existing conveyances located in any building or structure to have the conveyances inspected annually (ASME A17.1, category one) by a licensed elevator inspector. Subsequent to inspection, the licensed elevator inspector shall supply the property owner or lessee and the administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance with correcting the violations.

(b) It shall be the responsibility of the owners of conveyances to have a licensed elevator inspector, as described in this chapter, insure that the required tests are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

(c) All tests shall be performed by a licensed elevator mechanic.
(Act 2003-349, § 25.)

Board Members



STATE ELEVATOR SAFETY REVIEW BOARD

Alabama Department of Labor

(Appointed under Act. No. 2003-349, December 24, 2003)

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RESPONSES TO SIGNIFICANT ITEMS
[received from Commissioner Bennett]

1. Board's Operations.

The state elevator safety inspection program is operative. The first inspection was made on June 23, 2004. As of August 26, inspections made statewide totaled over 600. Numerous safety violations were found.

The chief elevator inspector, Ralph P. Pate, was employed beginning April 5, 2004. The Elevator Safety Review Board, chaired by Arthur Steber, president of Bagby Elevator Company in Birmingham, adopted rules and regulations on June 21 under which the program operates.

2. Board statutes do not clearly define board membership.

The code is admittedly confusing as to whether the legislative intent is to place the commissioner of labor on the board or the elevator bureau chief (chief elevator inspector). The commissioner is willing to appoint Mr. Pate as his designee, which the act also allows, to clear up any legal questions.

This dual use of the term "administrator" and "chief elevator inspector" as related to board membership should be addressed in amendments to the Elevator Safety Act.

Mr. Pate has been employed in the "chief elevator inspector" position as created by the State Personnel Board and assigned to the State Labor Department (Class Code 61642, Chief Elevator Inspector).

3. Staggered terms.

The act did not make provision for staggered terms for board members which would be a desirable amendment to include in future legislation.

4. Board fees not deposited in the General Fund.

Board fees are deposited in a special account established by the Comptroller's Office in the State Treasury. The Legislature has approved a \$500,000 appropriation back to the Labor Dept. for elevator inspections out of the revenue collected for FY 04-05.

While the Code of Alabama requires all fees to be remitted to the General Fund to the credit of the Labor Department, there would be no way to receive the appropriation under this procedure.

The Labor commissioner and the Elevator Safety Review Board strongly recommend the Legislature and the Joint Sunset Committee consider

legislation clarifying the proper fund into which elevator fees are to be deposited so they might be accessed.

The same language should also be made to apply to legislation governing the State Boiler Board (See Code of Alabama 25-12-1) which operates as well under Labor Department jurisdiction. The Boiler Board received Sunset Committee approval on November 6, 2003 and the Legislature subsequently approved legislation continuing its operation.

5. Board Rule 490-2-.04(1).

The commissioner recognizes this rule is in conflict with Section 25-13-12(a) and recommends the Elevator Safety Review Board bring it into compliance at its next meeting on September 9.

The requirement was overlooked when the board adopted its rules and regulations on June 21.

The rule provides that a license issued by the board shall be valid for two years for mechanics and one year for contractors and inspectors. Section 25-13-12(a) provides that licenses “shall be renewable bi-annually.”